

SHEN WANG)
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Plaintiff,)
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v.)
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)
Cable News Network, Inc.,) Case No.: _____
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Serve at:)
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)
Chief Executive Officer)
Cable News Network, Inc.)
One CNN Center)
Atlanta, GA 30303)
)
)
Defendant.)

COMES NOW plaintiff, Shen Wang, and for his complaint against Defendant, Cable News Network, Inc. ("CNN"), states:

1. Plaintiff, a Chinese citizen, is a resident of Missouri at 624 Waterford Ridge Court, St. Louis, Missouri 63021.
2. Plaintiff was originally from Beijing, China and he is a full time employee at AT&T and is also a part time student at Washington University in Saint Louis.
3. Plaintiff is a sports fan and is very proud that his hometown, Beijing, will host 2008 Summer Olympic Game.

4. Defendant, CNN, is a corporation organized and existing under the laws of Delaware, having a principal place of business located at One CNN Center, Atlanta, Georgia 30303.

5. CNN is in the business of broadcasting news and provides services to Missouri viewers.

JURISDICTION AND VENUE

6. This is an action for damages alleging violations of the United States Constitution pursuant to 42 U.S.C. § 1981.

7. This Court has subject matter jurisdiction over this cause of action pursuant to 28 U.S.C. §§ 1331, 1343 and 1367.

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

BACKGROUND FACTS

9. CNN provides news coverage either through paid television network or www.cnn.com on Internet which viewers have to follow CNN Interactive Service Agreement ("Service Agreement"). See Exhibit A.

10. On and about April 9, 2008, CNN covered Olympic torch relay held in San Francisco, California. The CNN's coverage primarily concentrated on the activities that were anti-China and anti- Beijing Olympics, even though many more activities were pro-China and pro- Beijing Olympics.

11. On April 9, 2008, CNN commentator Jack Cafferty called Chinese as a "bunch of goons and thugs" on CNN's political programme, The Situation Room.

12. In addition, Jack Cafferty also described Chinese products as "junk" on the CNN's April 9 programme.

13. CNN acknowledged later in a statement that Jack Cafferty's comments were to "provide robust opinions that generate debate".

14. Plaintiff watched CNN's television program containing Jack Cafferty's said comments, both on television and through Internet at www.cnn.com.

15. Plaintiff was depressed when watching the said CNN program and felt he lost standing in front of co-workers and classmates by Jack Cafferty's comments regarding China.

16. Plaintiff has been further suffered mentally at the time by worrying that, as a Chinese, he will be treated differently in both work and school when people think Chinese are "thugs" and Chinese products are "junk".

COUNT I

RACIAL DISCRIMINATION

17. Plaintiff realleges and hereby incorporates by reference the allegations set forth in the preceding paragraphs as if fully set forth herein.

18. Because CNN is either paid to provide television programs or under the Service Agreement to provide the contents of those television programs through www.cnn.com, CNN is under contract to provide television programs to its viewers.

19. CNN acknowledged that Jack Cafferty's comments were to "provide robust opinions that generate debate". CNN had the knowledge and participated in Jack Cafferty's activities. It is against the race of Chinese when Jack Cafferty called Chinese

as a “bunch of goons and thugs”. Plaintiff was hurt because he is a Chinese. Thus, CNN discriminately hurt Chinese by providing racial discrimination comments when it performed its contract to provide the television programs. CNN discriminates against Chinese based upon race under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981.

WHEREFORE, Plaintiff respectfully requests this Court to enter its judgment declaring that the Jack Cafferty’s comments made in CNN’s television program regarding Chinese are racial discrimination and enjoining CNN from employing him as a commentator.

COUNT II

NATIONAL ORIGIN DISCRIMINATION

20. Plaintiff realleges and hereby incorporates by reference the allegations set forth in the preceding paragraphs as if fully set forth herein.

21. CNN acknowledged and participated in Jack Cafferty’s description of Chinese products as “junk”. CNN also ignored the thousands of people’s support for Beijing Olympics in its coverage for the San Francisco Olympic torch relay. CNN is biasing to China originated products and pro-China activities. Plaintiff, as a Chinese originated from China, was unable to receive balanced coverage about his home country from CNN. Thus CNN discriminated against China originated viewers by not providing them balanced coverage about their home country when it performed its contract to provide the television programs. CNN commits country origin discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981.

WHEREFORE, Plaintiff respectfully requests this Court to enter its judgment declaring that Jack Cafferty's comments made in CNN news programs regarding Chinese products are national origin discrimination and enjoining CNN from employing him as a commentator.

COUNT III

CNN IS LIABLE TO PLAINTIFF'S MENTAL SUFFERING UNDER THE DOCTRINE OF STRICT PRODUCTS LIABILITY

22. Plaintiff realleges and hereby incorporates by reference the allegations set forth in the preceding paragraphs as if fully set forth herein.

23. CNN's products – the commentary made by Jack Cafferty caused mental harm and suffering to Plaintiff. The injury was caused by the race and national origin discrimination comments at the time when CNN's television program was watched. And Plaintiff could not avoid the injury because he did not know CNN's commentary would have been like this. Therefore CNN is liable for his injury under the doctrine of strict products liability.

WHEREFORE, Plaintiff respectfully requests this Court to enter its judgment forcing that CNN makes an unconditional apology to Plaintiff with respects to the comments made by Jack Cafferty in its television program regarding Chinese, China and Chinese products.

COUNT IV

**JACK CAFFERTY'S COMMENTS ARE DEFAMATORY AND LIBEL ACTIONS
UNDER MISSOURI DEFAMATION LAW**

24. Plaintiff realleges and hereby incorporates by reference the allegations set forth in the preceding paragraphs as if fully set forth herein.

25. CNN acknowledged that Jack Cafferty's comments were to "provide robust opinions that generate debate". CNN encouraged Jack Cafferty to make race and national origin discrimination comments. Therefore, CNN has actual malice for Jack Cafferty to make comments.

26. Plaintiff alleges that Jack Cafferty's comments made in the CNN's television program regarding China, Chinese and Chinese products are defamatory.

WHEREFORE, Plaintiff respectfully requests this Court to enter its judgment declaring Jack Cafferty's comments regarding Chinese, China and Chinese products are defamatory and forcing that CNN makes an unconditional apology to Plaintiff with respects to Jack Cafferty's said comments.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to enter a judgment:

1. Declaring that Jack Cafferty's comments made in the CNN television program regarding Chinese are racial discrimination;
2. Declaring that Jack Cafferty's comments made in the CNN television program regarding Chinese products are national origin discrimination;
3. Enjoining CNN from employing Jack Cafferty as a commentator;

4. Forcing that CNN makes an unconditional apology to Plaintiff with respects to Jack Cafferty's comments made in the CNN television program regarding Chinese and Chinese products;

5. Declaring Jack Cafferty's comments made in the CNN television program regarding Chinese and Chinese products are defamatory;

6. Awarding Plaintiff its costs and attorney's fees incurred in conjunction with this suit; and

7. Awarding Plaintiff any other relief that this Court deems just and proper.

Date: April 21, 2008

Shen Wang

By:



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